

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for January 7, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Use Permit #33C

**PROPOSAL:** To add two lots to an existing use permit for the purpose of constructing an office building.

**LOCATION:** Haverford Drive and "L" Street

**WAIVER REQUEST:**

1. Waive required parking from 14 stalls to 12 stalls.

**LAND AREA:** 8.6 acres, more or less (existing use permit area)  
0.3 acres, more or less (area to be added)

**CONCLUSION:** This proposal does not conform to the Comprehensive Plan as it expands an existing commercial development into a residential area, when other vacant land appears to be available in an appropriate location.

<b><u>RECOMMENDATION:</u></b>	<b>Denial</b>
1. Waive required parking from 14 stalls to 12 stalls.	<b>Denial</b>

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Lots 1-4 and Lot 7, Executive Center 1<sup>st</sup> Addition, located in the NE 1/4 of Section 29 T10N R7E, Lancaster County, Nebraska.

**EXISTING ZONING:** O-3 Office Park and R-4 Residential

**EXISTING LAND USE:** Office buildings and vacant

**SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-1 Local Business
South:	Residential, offices, and hospital	R-4 Residential, R-1 Residential, O-2 Suburban Office, and P Public
East:	Offices, motel	O-3 Office Park, and B-1 Local Business
West:	Residential	R-4 Residential

**ASSOCIATED APPLICATIONS:** Change of Zone #3433

**HISTORY:**

- Apr 1996      Administrative Amendment #96025 to Combined Use Permit/Special Permit #7 approved the relocation of a fence.
- May 1995      Administrative Amendment #95026 to Combined Use Permit/Special Permit #7 approved a revised parking layout and phasing plan.
- Feb 1995      Administrative Amendment #94098 to Combined Use Permit/Special Permit #7 approved changes to the conditions for the private school allowing up to 150 children and 19 staff members.
- Dec 1994      Administrative Amendment #94097 to Combined Use Permit/Special Permit #7 approved a time extension for the Letter of Acceptance for Combined Use Permit/Special Permit #7.
- Oct 1994      Combined Use Permit/Special Permit #7 approved 145,571 square feet of floor area for the existing two buildings and a additional 5-story building, a connecting walkway between buildings, and a new private school for up to 120 children and 18 staff members.
- Jun 1992      Administrative Amendment #92040 to Use Permit #33 approved the temporary use of a tent within the parking lot.
- Jan 1992      Use Permit #33B approved an additional 59,700 square feet of office floor area (total of 117,700) in an office building not to exceed 63' in height. This permit did not include the building approved by Use Permit #33, but did change the 8 buildings approved by Use Permit #34 into one 6-story building.
- Jun 1986      Use Permit #33A approved an increase in the height of the office building from 45' to 50'.
- Jul 1985      Use Permit #34 approved 37,904 square feet of floor area in 8 office buildings, located on the site of what was recently known as the Gallup/SRI daycare facility. This area was eventually incorporated into Use Permit #33B.
- May 1985      Use Permit #33 approved 58,000 square feet of floor area in one office building.

- Nov 1980      Use Permit #9 approved the first office building on this site, allowing up to 44,783 square feet of floor area and a height of 51'. This area was eventually incorporated into Use Permit #33B.
- May 1979      The zoning update changed this area from A-1 Single Family Dwelling to R-1 residential and O-3 Office Park.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Land Use Plan shows this area as Urban Residential. (F 25)

**Urban Residential:** Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F 15)

**Guiding Principles for Commerce Centers:** New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (F 41)

**Guiding Principles for New and Existing Neighborhoods:** Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 67)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single-family faces single-family, change to different use at rear of lot...Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

### **TRAFFIC ANALYSIS:**

The Comprehensive Plan identifies both Haverford Drive and "L" Streets as Collector Streets, both now and in the future. (E49, F103)

**Collector Streets:** These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristic of these streets. (F 105)

### **AESTHETIC CONSIDERATIONS:**

As part of Change of Zone #2852 in 1994, the Planning Staff was opposed to changing these two lots from R-4 Residential to O-3 Office Park. These lots were withdrawn from the request by the Applicant. The Staff analysis noted "The transition between the R-1 District and the O-3 District will be eliminated. The duplex lots were to serve as the buffer to the neighborhood. Although the applicant proposes open space across the street from the houses on Haverford, their view will be of a parking lot and parking garage. The residential structures would have visually buffered the "ground activity" on the site for these neighbors." This argument is still valid, and the duplex units

remain a more appropriate use for these lots, as was originally proposed with Combined Use Permit/Special Permit #7. However, the office building as proposed by Applicant, which is limited to one story, brick faced, and has an increased setback, could also provide the visual buffer to the larger office buildings and parking areas.

**ALTERNATIVE USES:**

These lots could be developed with single-family dwellings or townhouse, similar to the adjacent lots to the north, thereby providing a more substantial buffer and similar type residential buildings between the established residential neighborhood and the office park.

**ANALYSIS:**

1. This is a proposal to add two lots to an existing use permit for the purpose of constructing an office building.
2. These particular lots were proposed to be used for a townhouse/duplex at the edge of the office park in Combined Use Permit/Special Permit #7. The Planning Staff opposed the change of zone from R-4 Residential to O-3 Office Park since that could result in the loss of the dwelling acting as a buffer between the single-family residences and the office park. The Applicant subsequently removed these two lots from the request.
3. The purpose of the O-3 Office Park District is to provide a mixture of office and other types of compatible and complimentary commercial uses, and residential uses in suburban areas. The district is also intended to provide an appealing atmosphere, stressing the quality of the environment. Adding these lots to the existing use permit will expand the commercial area into the residential portion of the neighborhood without providing either a mix of uses as intended, nor providing an appropriate buffer to the residential area. The quality of the environment will be reduced rather than improved.
4. Although vacant, these lots provide a certain degree of transition between the established residences and the office park and parking lot. As the Planning Staff has suggested previously, residential dwellings would be appropriate at this location to provide the buffer.
5. As an alternative to developing these two lots with an office building, it could be located further east, on the other side of the parking lot. The attached aerial shows a vacant area within the limits of the existing use permit that is approximately the same size as these lots. This location is closer to existing commercial development, and further from the residential area of this neighborhood.

6. The proposal does not provide the required number of parking stalls on-site. Traffic generation has been suggested by Applicant to be 4 cars per day, and a waiver has been requested to reduce the parking from 14 to 12 stalls. However, it appears as though the new office building may be able to utilize excess parking within the use permit. Rather than waive parking, Applicant should attempt to obtain an agreement to use two of the adjacent parking stalls. A written agreement should be provided, the drawing should be revised to indicate which two stalls will be used, and the Phasing Schedule should be revised to show 14 stalls.
7. This property is currently zoned R-4 Residential. Therefore, Change of Zone #3433 must receive a recommendation of approval for this application to receive a positive recommendation.
8. Should the Planning Commission choose to recommend other than Denial, the Planning Staff suggests the following conditions of approval to the use permit, except 1.1.2 and 3, and Denial to the parking waiver.
9. Should the Planning Commission choose to recommend other than Denial to the parking waiver, the Planning Staff suggests all of the following conditions.

**CONDITIONS:**

Site Specific:

1. After the Applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 1.1.1 Revise the plan to show the additional 2 required parking stalls for Phase 9. If off-site parking stalls are to be used, submit a written agreement from the owner of the off-site property.
    - 1.1.2 Should the Planning Commission recommend approval of the parking waiver, show where the additional 2 required parking stalls for Phase 9 could be provided. Also add a note stating the 2 additional parking stalls will be provided prior to a change in occupancy in Phase 9.

- 1.1.3 Add a note to the plan stating the landscaping will comply with City of Lincoln Design Standards, and landscaping plans for Phases 6, 7, 8, and 9 will be submitted for review with building permits.
  - 1.1.4 Revise the use permit boundary along South 68<sup>th</sup> Street Place so it will close.
  - 1.1.5 Show the area under Use Permit #33 and Combined Use Permit/Special Permit #7 included within this use permit. Specifically, this is the area identified as Existing Lot 7.
  - 1.1.6 Remove the note stating "existing lot 7, not a part of 2<sup>nd</sup> addition."
  - 1.1.7 Should Administrative Amendment #03098 to use Permit #33B not be approved prior to scheduling this use permit on City Council, revise Phases 6 and 7 to show the existing approved plan.
  - 1.1.8 Add a note stating the office building located in Phase 9 will be one-story, include a typical residential pitched roof, typical residential exterior materials, and windows oriented toward the streets.
  - 1.1.9 Show all existing easements.
  - 1.1.10 Add a note stating any relocation of existing facilities will be at owner/developer's expense.
2. This approval permits 155,000 square feet of commercial floor area in 5 buildings.
3. The required number of parking stalls is reduced from 14 to 12 for Phase 9.
4. The office building for Phase 9 shall:
  - 4.1. Be limited to one story.
  - 4.2. Have an exterior of primarily brick.
  - 4.3. Have a typical residential style pitched roof.
  - 4.4. Have windows and doors oriented towards Haverford Drive and "L" Street.
  - 4.5. Have a setback of 30' along Haverford Drive.

- 4.6 Take access only from the east, off of the existing driveway onto "L" Street.

General:

5. Before receiving building permits:

- 5.1 The permittee shall have submitted a revised [final](#) plan including 7 copies and the plans are acceptable.

- 5.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

6. The following conditions are applicable to all requests:

- 6.1 Before occupying this office buildings in Phases 6 and 9, all development and construction is to comply with the approved plans.
- 6.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
- 6.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 6.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 6.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

7. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Use Permit #33C  
Haverford Drive and "L" Street

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Prepared by

Greg Czaplewski  
Planner

**Date:** December 22, 2003

**Applicant:** Alodium, L.L.C.  
911 Evergreen Drive  
Lincoln, NE 68510  
438.4421

**Owner:** Gallup, Inc.  
1001 Gallup Drive  
Omaha, NE 68102  
800.288.8592

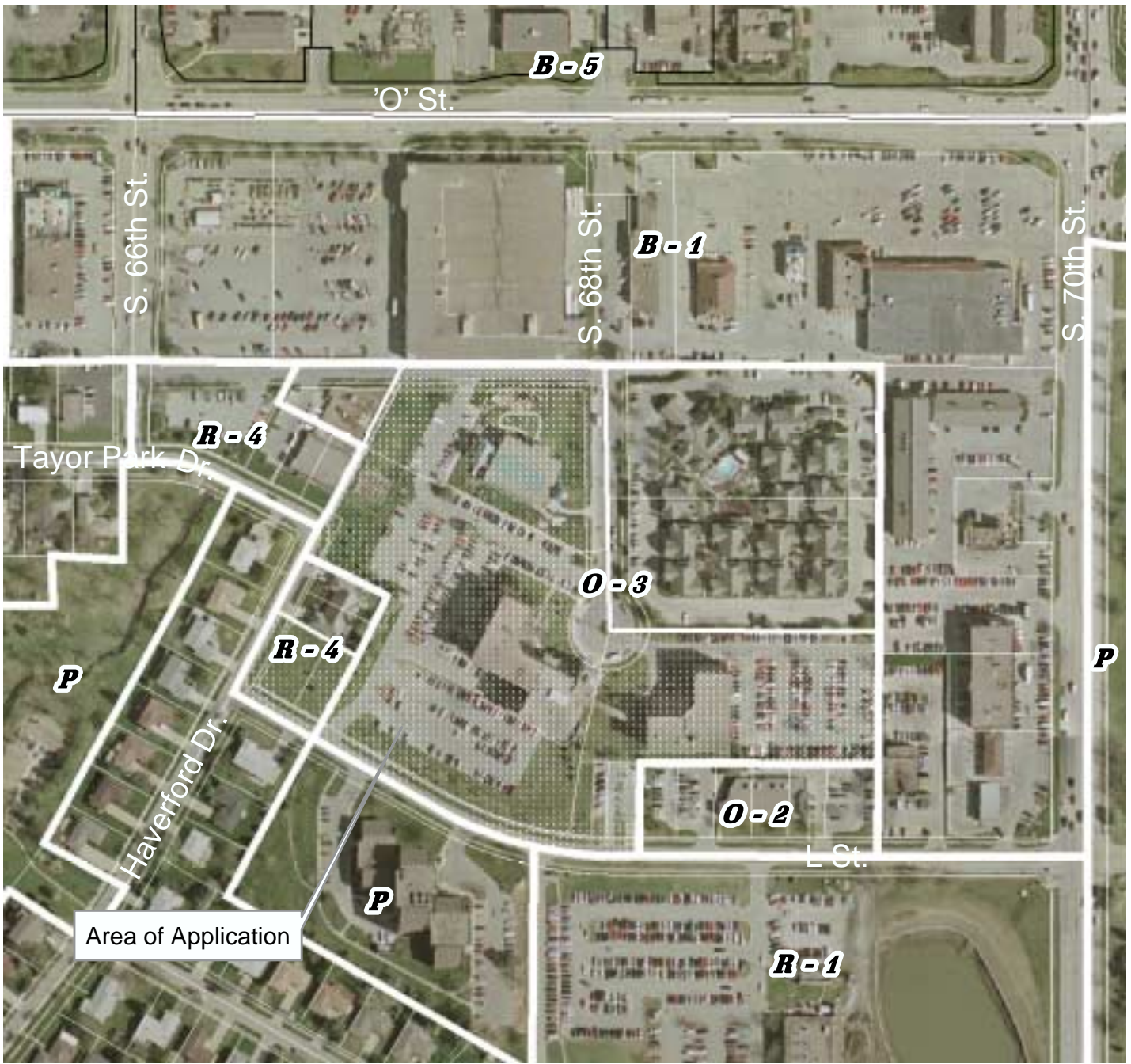
**Contact:** Larry Albers  
320 Commerce Court  
1230 "O" Street  
Lincoln, NE 68508  
438.4421



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Haverford Drive and "L" Street

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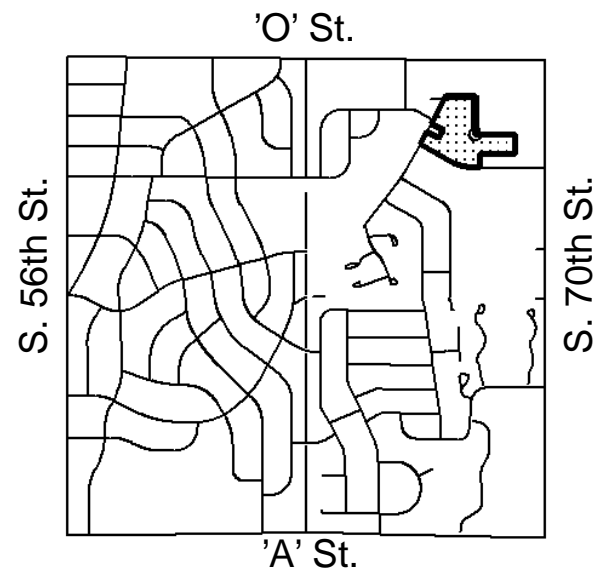
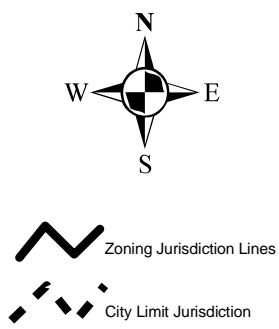
2002 aerial

# **Use Permit #33C** **Haverford Dr & L Street**

## **Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 28 T10N R7E

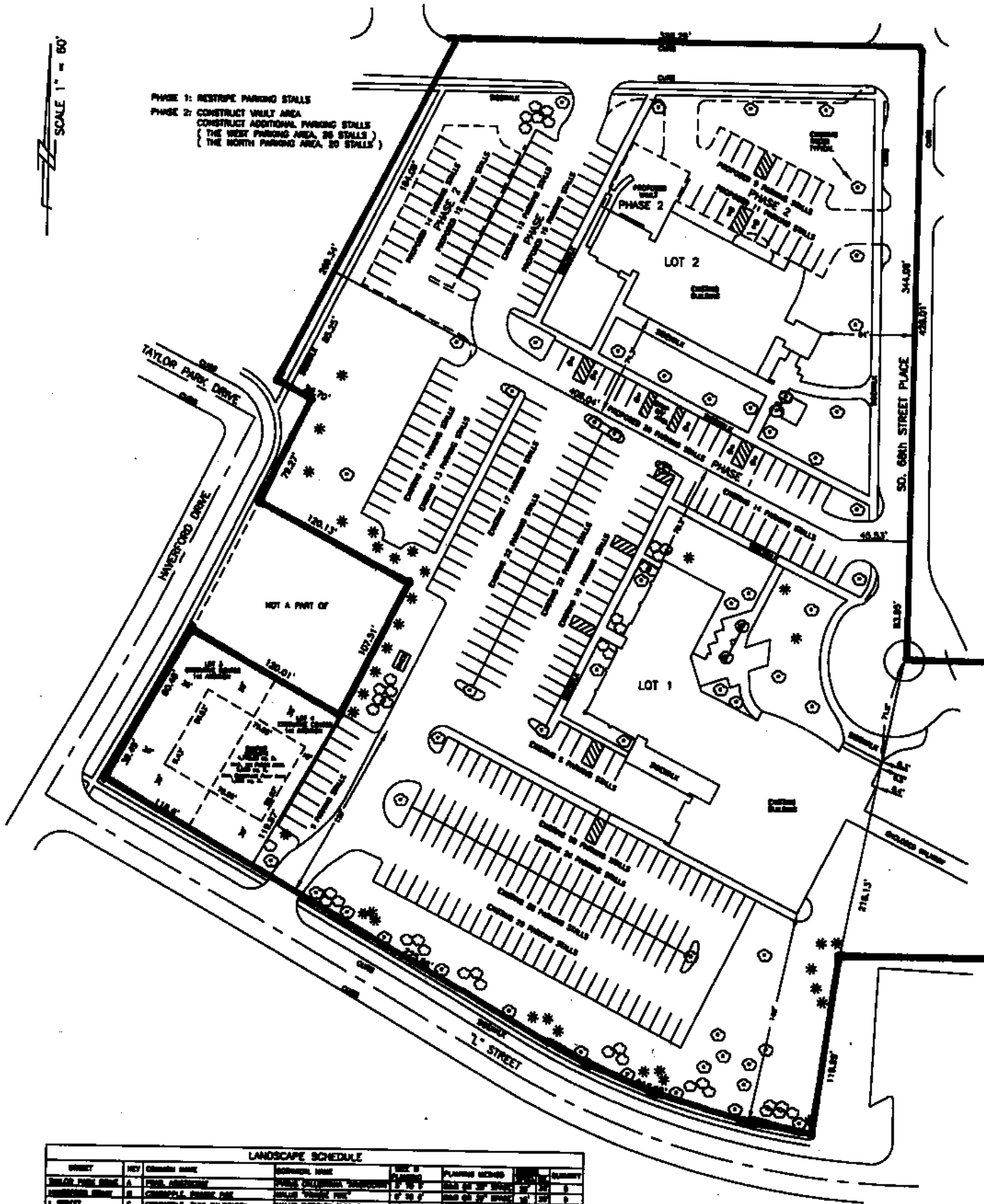




PROPOSED

SCALE 1" = 60'

PHASE 1: RESTRIPE PARKING STALLS  
 PHASE 2: CONSTRUCT VAULT AREA  
 CONSTRUCT ADDITIONAL PARKING STALLS  
 (THE WEST PARKING AREA, 26 STALLS)  
 (THE NORTH PARKING AREA, 20 STALLS)



LANDSCAPE SCHEDULE						
SYMBOL	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	PLANTING SCHEDULE	QUANTITY
SHRUB, PINE, BARK	A	PIKE, CORYMBOSA	PIKE, CORYMBOSA	12" x 12"	12" x 12" SPACED	10
SHRUB, BARK	B	CHERRY, PINK, PINK	CHERRY, PINK, PINK	12" x 12"	12" x 12" SPACED	10
1. STREET	C	CHERRY, PINK, PINK	CHERRY, PINK, PINK	12" x 12"	12" x 12" SPACED	10

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**Larry V. Albers**

*Attorney*

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Suite 320 Commerce Court  
1230 "O" St, Lincoln, NE 68508  
tel: 402-438-4421 fax: 402-438-4680

**HAND DELIVERY**

December 11, 2003

Greg Czaplewski  
Lincoln-Lancaster County Planning Dept.  
555 S 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

DEC 11 2003

RE: Alodium, LLC: Application For Change of Zone and Application for Use Permit  
Property: (Lots 3 & 4, Executive Center 1<sup>st</sup> Addition, Lincoln, Lancaster County,  
Nebraska)

Dear Greg:

On behalf of Alodium, LLC, the Applicant, and Gallup, Inc., the Owner, I submit  
the following:

- 1) City of Lincoln Zoning Application, the Application for Change of Zone;
- 2) City of Lincoln Zoning Application, the Application for Use Permit (7a,  
amending Use Permit/Special Permit 7);
- 3) Use Permit Drawings - Davis Design - Existing Conditions (21 copies);
- 4) Use Permit Drawings Supplement - Alodium, LLC - Supplement No. 1 to Use  
Permit Drawings - Existing Conditions prepared by Davis Design (21 Copies);
- 5) Use Permit Drawings Supplement - Alodium, LLC - Supplement No. 1 to Use  
Permit Drawings - Existing Conditions prepared by Davis Design (21 Copies);
- 6) Use Permit Drawings - Davis Design - Proposed Conditions Phase 9 (21  
copies);
- 7) Ownership Certificate;
- 8) A Check, No. 0097, for \$370.00 as filing fees for Change of Zone  
Application; and
- 9) A Check, No. 0096, for \$740.00 as filing fees for Use Permit Application.

**COMBINED PURPOSE STATEMENT  
CHANGE OF ZONE AND USE PERMIT**

The Introduction to the O-3 Zoning Classification reads as follows:

"This district is intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complementary commercial uses, and residential uses in suburban areas. This district is intended to be located on arterial streets in close proximity to commercial uses. This district is intended to provide an appealing atmosphere, stressing the quality of the environment."

The Applicant seeks to change the current zoning of the Property from R-4 to O-3, the zoning classification of the Gallup Office Park to the east and north. The initial development by David Tews called for approximately 30 lots to be zoned R-4 to run along the south border of the entire development tract, immediately adjacent to Haverford and L Streets. The original development was changed over the years until only 4 lots zoned R-4 remain, the rest of the lots having been rezoned to O-3. The only other lots remaining R-4 are immediately adjacent to the Property, improved with a duplex.

In the past, Gallup sought to use the Property for a parking lot associated with its larger office buildings. Gallup is selling all of its real estate in Lincoln, including the Property. The Applicant has met with the neighbors, as discussed below, and all parties affected are interested in seeing the Property's use remain compatible and complementary to the Office Park and to the abutting residential neighborhood.

The Applicant also submits an application for a Use Permit as required by the City of Lincoln Zoning Code. The Applicant desires to construct a small office building on the Property with no more than 3,000 S.F. of floor area on the first floor, and 1,000 S.F. of floor area in the basement.

The Applicant believes it important that the new office building have a "transitional" design accommodating the residential character of the housing across Haverford and L Streets. To that end, the Applicant proposes further limiting conditions:

- 1) The Office Building will be limited to one story;
- 2) The exterior fascia to the Office Building will consist primarily of brick;
- 3) The Office Building will have a set back of 30 feet from the west property line as shown on the Use Permit Plans submitted, instead of the 20 feet otherwise allowed; and
- 4) Access will be limited to a drive located to the east directly into the access off L Street into the Gallup Office Park.

Space in the Office Building will be leased by the Applicant to Larry Albers for a law office. The traffic generated by such use is extremely low, perhaps 4 cars a day. The remaining space is anticipated to be leased for professional or other offices, the traffic to which is not anticipated to be significant given the limited parking of only 12 stalls on the Property.

Neighbors Interest.

DEC 11 2003

Each neighbor within 200 feet of the site was sent a letter on September, 13, 2003, describing the proposed changes and a general description of the building and parking configuration. I then met with the Taylor Park Association President, Bill Brown, and reviewed the plans. Following the meeting, I called those neighbors with telephone numbers in the Alltel Directory to personally solicit any comments, concerns or suggestions. Then on Sunday, September 24, I attended the annual meeting of the Taylor Park Association held in Taylor Park, again reviewing the plans relating to parking, access, building size, use, and landscaping. I also solicited comments and questions from approximately 40 people in attendance.

The comments I received from the neighbors were encouraging, with most indicating a preference to a small office as opposed to a parking lot, or atypical residential housing. No one expressed any dissatisfaction with my plans, or offered any changes.

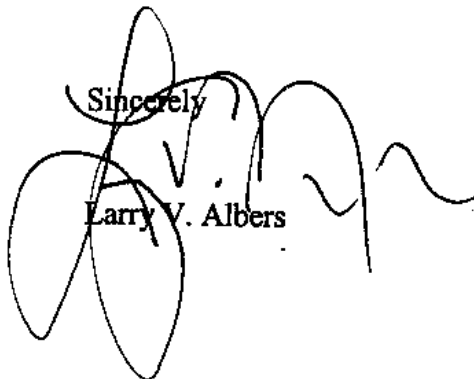
Since my discussions with the neighbors, the Applicant had to modify the plans to accommodate parking on the Property. A drawing showing the latest configuration was sent to all neighbors required or asked to be notified, and to the President of the Taylor Park Neighborhood Association.

Landscaping Plan.

Applicant requests that submittal and review of the landscaping plan be deferred until prior to the filing of an application for building permit. The deferral will allow Applicant to assess the final layout of the site. The landscaping plan submitted will comply with the City of Lincoln's "Design Standards For Screening And Landscaping."

If you have any questions, please let me know.

Thank you.

Sincerely  
  
Larry V. Albers

LVA \ ss  
cc: Evan Perkins (letter only)

